IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 44263-M of 2006

DATE OF DECISION : 31.10.2006

Balbir Singh alias Kaka

.... PETITIONER

Versus

State of Haryana

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Chanchal K. Singla, Advocate,
for the petitioner.

Mr. M.S. Sindhu, D.A.G., Haryana.

* * *

Petitioner Balbir Singh alias Kaka has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case Fir No. 47 dated 16.4.2005 under Section 15/61/85 of the NDPS Act, registered at Police Station Guhla, District Kaithal.

I have heard counsel for the parties and gone through the contents of the FIR as well as the order dated 16.7.2005, passed by Judge, Special Court, Kaithal, dismissing the bail application of the petitioner.

In this case, four bags, each containing 35 Kgs. of poppy husk, were recovered from an abandoned car bearing registration No.DL-3CJ-0361. As per the prosecution version, one Karam Singh resident of village Majri disclosed that the said car was abandoned by a lady and three men on the pretext that shocker of their car has broken and they will come after arranging other vehicle. It is case of the prosecution that from the car, one identity card of the lady was found and from the photograph on the identity card, Karam Singh identified the said lady to be the same lady, who was with three men and had gone for arranging the other vehicle. Subsequently, the petitioner was arrested on 21.5.2006. Thereafter, no identification parade was conducted. Counsel for the petitioner contends that Karam

Singh has been examined as PW.1 and he has stated that nothing was recovered in his presence from the car. He also did not identify the accused present in the court at the time of his deposition and stated that he never saw them earlier.

Keeping in view the aforesaid facts, which have not been disputed by the State Counsel, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and he is, accordingly, ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court.

October 31, 2006 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**